IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.

CRIMINAL APPEAL NO. 1109 OF 2006

Mohd.Hassan Mohd Anas @ Hassan
Battreywala. ... Appellant.

V/s.

The State of Maharashtra. ... Respopndent.

S.K.Mirza Abdulah for the appellant.

Smt.V.R.Bhosale, APP for the respondent.

CORAM: V.G.PALSHIKAR AND
N.N.MHATRE, JJ.

DATED: 11th December 2006.

P.C.:

. This appeal against the order passed by the learned Sessions Judge under the Prevention of Terrorism Act, 2002 which, now, is repealed. The learned trial Judge while rejecting the application for bail has observed in paragraphs-31, 32 and 33 as under:

"31. In the present case the Court has to see whether prima facie case is made out or not. In that respect it may be mentioned here that prosecution has made out a prima facie case against the accused. The offence is of a serious nature, under the stringent provisions under POTA Act as well as other acts.

31. Thus there is prima facie evidence against the applicant/accused in respect of the alleged criminal conspiracy which was secretly hatched by the accused persons in Dubai, resulting into the bomb blast explosions at Gate way of India and Zaveri Bazar on 25.8.2003, for striking the terror in the people at large and disturb stability of the state.

33. There is every likelihood tampering of the evidence if the applicant/accused is released on bail at this stage. Similarly, the possibility of the accused absconding cannot be ruled out....."

2. In view of clear finding that the possibility of tampering with the evidence exists, in our opinion, interference in such a situation would be incorrect. Hence appeal is rejected.

(N.N.MHATRE, J.) **(V.G.PALSHIKAR, J.)**